

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Alan Roebke,

Plaintiff,

v.

ORDER

Civil No. 08-4892 ADM/RLE

Ed Shafer, Secretary of Agriculture,
United States Department of Agriculture,

Defendants.

Alan Roebke, *pro se*.

David W. Fuller, Esq., Assistant United States Attorney, Minneapolis, MN, argued on behalf of Defendants.

On October 7, 2008, the undersigned United States District Judge heard oral argument on Plaintiff Alan Roebke's ("Roebke"), Motion for Temporary Injunction [Docket No. 1]. As stated on the record at oral argument, Roebke's Motion for Temporary Injunction is denied and is dismissed with prejudice.

The Court is without jurisdiction to issue the injunction that Roebke has requested, namely an injunction prohibiting Defendants from issuing the 2007 subsidy payments to peanut farmers. These payments are distributed by the United States Department of Agriculture's Commodity Credit Corporation ("CCC"), and under the laws that establish the CCC, no injunction "shall be issued against the [CCC] or its property." 15 U.S.C. § 714b(c).

Additionally, Roebke lacks standing to bring this action because he has failed to demonstrate that (1) he suffered a concrete injury in fact, (2) that is fairly traceable to Defendants' actions, and (3) that is likely to be redressed by the relief sought. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992). Finally, Roebke has failed to demonstrate that injunctive relief is

appropriate under the four factors outlined in Dataphase Systems, Inc. v. C L Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981).

For the reasons stated at oral argument and summarized here, **IT IS HEREBY ORDERED** that Roebke's Motion for Temporary Injunction [Docket No. 1] is **DENIED** and the matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: October 9, 2008.